

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4 David Holmes,

5 Plaintiff,

6 v.

7 Jason Reusch, et al.,

8 Defendants.  
9

Case No. 2:24-cv-01138-GMN-BNW

**ORDER**

10 Before the Court are two motions: Plaintiff's Motion to Extend Time to Consolidate Cases  
11 (ECF No. 57) and Plaintiff's Motion to Compel Discovery Responses and for Sanctions (ECF No.  
12 59). Defendants responded at ECF No. 60, and the Court construes this filing as a response to  
13 both motions.

14 **I. BACKGROUND**

15 This is a consolidated case consisting of case numbers 2:24-cv-01575-JAD-DJA and 2:24-  
16 cv-01138-GMN-BNW (this case). Last month, District Judge Navarro consolidated these cases  
17 under 2:24-cv-01138-GMN-BNW, and she administratively closed 2:24-cv-01575-JAD-DJA.  
18 ECF No. 55. As part of that consolidation order, District Judge Navarro directed Plaintiff to file a  
19 Second Amended Complaint by April 21, 2025. *Id.* She did not modify or otherwise mention the  
20 operative scheduling order (ECF No. 50) in this case. *Id.*

21 In Plaintiff's first motion, he asks this Court for a 30-day extension to consolidate the  
22 cases, to allow Defendants time to comply with their discovery obligations, and to provide more  
23 time for him to review discovery. ECF No. 57 at 2. Because the cases have already been  
24 consolidated, this Court construes Plaintiff's motion as a request to extend all discovery  
25 deadlines. In Plaintiff's second motion, he asks this Court to compel Defendants to respond to his  
26 discovery requests and for sanctions. ECF No. 59 at 1–4. Defendants respond that case number  
27 2:24-cv-01138-GMN-BNW was dismissed on March 19, 2025, and thus they have no discovery  
28 obligations. ECF No. 60 at 1.

## II. ANALYSIS

A motion or stipulation to extend any date set by a discovery plan or scheduling order must be supported by a showing of good cause for the extension. LR 26-3. “[O]nce a Rule 16 scheduling order is in place, it ‘shall control the subsequent course of the action’ unless modified for good cause.” *Hynix Semiconductor Inc. v. Rambus Inc.*, 250 F.R.D. 452, 456–57 (N.D. Cal. 2008) (quoting *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087–88 (9th Cir. 2002)); *see also* Fed. R. Civ. P. 16(b)(4) (“A schedule may be modified only for good cause and with the judge’s consent.”).

Here, there is good cause to extend all discovery deadlines by **45 days** to: (1) allow Plaintiff, who is pro se, to review/conduct discovery and file a Second Amended Complaint; and (2) allow Defendants time to fully respond to the motion to compel and meet forthcoming discovery deadlines. In addition, Defendants are incorrect that case number 2:24-cv-01138-GMN-BNW was dismissed and there is no operative scheduling order. ECF No. 60 at 1. 2:24-cv-01138-GMN-BNW is not closed, and the scheduling order (ECF No. 50) remains in effect. Because discovery is ongoing, the Court orders Defendants to provide a more fulsome response to Plaintiff’s motion to compel, so that the Court can properly decide that motion.

## III. CONCLUSION

**IT IS THEREFORE ORDERED** that Plaintiff’s Motion to Extend Time (ECF No. 57) is **GRANTED**. The new deadlines are as follows:

Second-Amended Complaint: June 5, 2025

Expert Disclosures: May 19, 2025


Rebuttal Disclosures: June 19, 2025

Discovery Cut-Off: July 17, 2025

Dispositive Motions: August 18, 2025

Joint Pre-Trial Order: September 15, 2025. However, in the event dispositive motions are filed, the proposed Joint Pretrial Order must be filed 30 days after a decision of the dispositive motions is entered.

DATED: April 30, 2025

  
BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE